IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 18965 of 2006(G)

PETITIONERS:

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1. DR.G. PREMAKUMAR,
LECTURER IN HISTORY, CO-OPERATIVE ARTS & SCIENCE COLLEGE, MADAI, P.O. PAYANGADI, KANNUR DISTRICT.

2. PRAMIDA K., LECTURER IN HINDI,
CO-OPERATIVE ARTS & SCIENCE COLLEGE,
MADAI, P.O. PAYANGADI, KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION
VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, NORTH ZONE, KOZHIKODE.

4. THE KANNUR UNIVERSITY,
REPRESENTED BY THE REGISTRAR,
KANNUR UNIVERSITY, MANGATTUPARAMBA,
KANNUR DISTRICT.

5. THE PRINCIPAL, THE CO-OPERATIVE ARTS & SCIENCE COLLEGE, MADAYI, P.O. PAYANGADI, KANNUR DISTRICT.

R1 TO R3 BY GOVT. PLEADER (SHRI D. ANIL KUMAR)

BY ADV. M.SASEENDRAN,SC,KANNUR UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.18965 OF 2006 G

PETITIONERS' EXHIBITS:

EXT.P1	**TRUE COPY OF THE APPOINTMENT ORDER DT. 31.3.2005 WITH RESPECT TO 1ST PETITIONER.**
EXT.P2	**TRUE COPY OF THE APPOINTMENT ORDER DT. 31.3.2005 WITH RESPECT TO 2ND PETITIONER.**
EXT.P3	**TRUE COPY OF THE ORDER DATED 11.8.2005 ISSUED BY KANNUR UNIVERSITY.**
EXT.P4	**TRUE COPY OF LETTER DATED 23.2.2006.**
EXT.P5	**TRUE COPY OF THE COVERING LETTER DT. 27.6.2006 SUBMITTED BY THE COLLEGE BEFORE 3RD RESPONDENT.**
EXT.P6	**TRUE COPY OF THE JUDGMENT DT. 26.3.2003 IN O.P. NO. 21268 OF 2002.**
EXT.P7	**TRUE COPY OF THE JUDGMENT DATED 3.1.2006 IN W.P.(C) NO.31575/05.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C NO. 18965 OF 2006 G

Dated this the 27th November, 2006

JUDGMENT

Petitioners were appointed vide Exts.P1 and P2 Orders. Both appointments are after the date of the amendment to the Kannur University Act, as per which, appointments can be made only when post is sanctioned by Government or any other Officer authorised by Government. Appointment of petitioners came to be approved by Ext.P3 dated 11.8.2005. The fifth respondent, Principal of the College addressed Ext.P5 dated 27.6.2006 before third respondent, Deputy Director of Collegiate Education.

2. Even though direction was given to file Counter, no Counter Affidavit is filed. In such circumstances, the Writ Petition is disposed of directing third respondent to consider and take a decision on Ext.P5 in accordance with law, within a period of one month from the date of production of a copy of this Judgment. I leave open all contentions of petitioners.

K. M. JOSEPH, JUDGE

kbk.